

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NETFLIX, INC.,

No. C-06-2361 WHA (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE AND ORDER
RE DISCOVERY PROCEDURES**

BLOCKBUSTER, INC.,

(E-FILING CASES)

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to the undersigned for all discovery matters. Please be advised that if a specific motion was filed before the District Court prior to this referral, the noticed date may no longer be in effect. All hearing dates are subject to the availability of the Court's calendar. Please contact the Courtroom Deputy, Karen Hom, at (415) 522-2035, to confirm or, if necessary, reschedule the hearing date. Regardless of whether the Court reschedules the hearing date, all opposition and reply papers shall be timely filed according to the originally noticed hearing date, pursuant to Civil L. R. 7-3.

LAW AND MOTION PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102.

Motions to compel may be noticed without reserving a hearing date, subject to the Court's availability.

Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not less than 35 days notice pursuant to Civil L. R. 7-2. Alternatively, any party may seek an

1 order shortening time under Civil L. R. 6-3 if the circumstances justify that relief. In emergencies
2 during discovery events, the Court is available pursuant to Civil L. R. 37-1(b).

3 In the event a discovery dispute arises, lead trial counsel for the party seeking discovery shall
4 in good faith confer **in person** with lead trial counsel for the party failing to make the discovery in
5 an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil L. R.
6 37-1(a). The meeting must be **in person**, except where good cause is shown why a telephone
7 meeting is adequate. A joint letter setting forth these meet and confer efforts, each unresolved issue,
8 and the final positions of each party shall be included in the moving papers. The Court will not
9 consider discovery motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil
10 L. R. 37-1(a).

11 A party or counsel has a continuing duty to supplement the initial disclosure when required
12 under Fed. R. Civ. P. 26(e)(1).

13 COURTESY COPIES

14 All documents shall be filed in compliance with the Civil Local Rules. Documents not filed
15 in compliance with those rules will not be considered by the Court.

16 BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC
17 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE
18 **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS'
19 COPY." All filings of documents relating to motions referred to the undersigned shall list the civil
20 case number and the district court judge's initials, followed by the designation "(JCS)".

21 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to
22 Fed. R. Civ. P. 16(f).

23 IT IS SO ORDERED.

24
25 Dated: September 28, 2006

26 
27 JOSEPH C. SPERO
28 United States Magistrate Judge